

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

**DOUGLAS H. PATTON, and
REBECCA D. PATTON,**

Plaintiffs,

v.

Civil Action No. 5:08-CV-01028

**STEPHANIE K. FREUDENTHAL, and
ADVANCED CARBON COMPOSITES, INC.,**

Defendants.

AGREED PROTECTIVE ORDER

By signing this Protective Order, the parties have agreed to be bound by its terms and to request its entry by the presiding district or magistrate judge. It is hereby **ORDERED** as follows:

I. Among the allegations of this civil action are those alleging that the Plaintiff, Douglas Patton, was allegedly wearing a Model EXT-002 helmet, manufactured by the Defendant, Advanced Carbon Composites, Inc., at the time of the subject vehicular accident of July 22, 2007.

II. Because there are various and sundry allegations in the Amended Complaint focusing on the design and manufacture of the EXT-002 helmet, the parties herein, and their authorized representatives, will, from time to time during the course of this litigation, need to take possession of the helmet for inspection, photography, and general analysis.

III. While the EXT-002 helmet is in the possession of any party herein, or their authorized representative, no person shall cause any destructive testing of said helmet to take

place. Moreover, the helmet shall always be maintained in the same condition that it was in during the time immediately following the accident of July 22, 2007.

IV. Since July 22, 2007, the EXT-002 helmet has either been in the possession of the Plaintiff, Douglas Patton, his attorneys of record, or their authorized representatives.

V. At the time that this Agreed Protective Order is executed, no other persons have had possession of the EXT-002 helmet other than those persons identified in Paragraph IV.

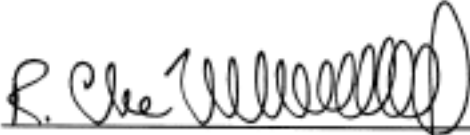
VI. Upon reasonable notice to the Plaintiff, the EXT-002 helmet shall be made available for inspection to any party requesting the same pursuant to the terms of this Agreed Protective Order.

VII. Upon completion of inspection of the EXT-002 helmet, the helmet shall be returned to Douglas Patton's attorneys of record.

VIII. More than one inspection of the EXT-002 helmet may be required by the parties herein as the case progresses and expert witnesses are retained.

IX. The attorneys for each of the parties to this civil action agree to the terms and provisions of this Agreed Protective Order by their consent to have their names appear below.

Entered this 24th day of August, 2009.



R. Clarke VanDervort
United States Magistrate Judge

Prepared by:

s/ Mark W. Browning

Mark W. Browning, Esquire (WV Bar No. 508)
Counsel for Defendant, Advanced Carbon Composites, Inc.
Shuman, McCuskey & Slicer, PLLC
Street: 1411 Virginia Street, East, Suite 200 (25301)
Post Office Box 3953
Charleston, West Virginia 25339-3953
Telephone: (304) 345-1400
Facsimile: (304) 343-1826
mbrowning@shumanlaw.com

Approved by:

s/ William R. Wooton

William R. Wooton, Esquire (WV Bar No. 4139)
Counsel for Plaintiffs
The Wooton Law Firm
Post Office Box 2600
Beckley, West Virginia 25802-2600
Telephone: (304) 253-2222
Facsimile: (304) 255-5041
Bill@WootonLaw.com

s/ James W. Harvey

James W. Harvey, Esquire (WV Bar No. 5263)
Counsel for Defendant, Freudenthal
Margolis Edelstein
525 William Penn Place, Suite 3300
Pittsburgh, Pennsylvania 15219
Telephone: (412) 281-4256
Facsimile: (412) 642-2380
jharvey@margolisedelstein.com